

REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration of the application. No claims have been canceled. No claims have been added. Claims 1 and 3 have been amended. Accordingly, Claims 1-15 are pending.

I. Objections to the Drawings

In the Office Action, the Examiner has objected to the drawings because the drawings do not show “a harmonic frequency” “a main resonant mode” and “a secondary resonant mode” set forth in the claims.

Applicant submits that the recitation “harmonic frequency” is a well-known term in the art, which is used to describe a frequency that is a whole number multiple of that of another. Accordingly, an illustration of this recitation is necessary for a proper understanding of the claimed subject matter.

As to the other two recitations “a main resonant mode” and “a secondary resonant mode”, Applicant respectfully submits that these recitations are sufficiently described in the description and claims such that illustration thereof is not essential for a proper understanding of the claimed subject matter. More specifically, Applicant notes that the present patent application (see page 9, line 22 to page 10, line 7) discloses a vibration motor presenting at least two modes of oscillation. The first mode of oscillation is referred to as a main resonant mode (frequency F1). And the second mode of oscillation is referred to as a secondary resonant mode (frequency F2). In one implementation, frequency (F2) of the secondary resonant mode corresponds to a harmonic of the frequency (F1) of the main resonant mode (i.e., $F2 = NF1$, where N is an integer). In this regard, Claim 1 specifies that the secondary resonant mode is at a frequency that is substantially equal to a harmonic frequency of the main resonant mode.

Moreover, MPEP 608.02(d) states “Any structural detail that is of sufficient importance to be described should be shown in the drawing. (Ex parte Good, 1911 C.D. 43, 164 O.G. 739 (Comm'r Pat. 1911).)”. However, these recitations (i.e., “a main resonant mode” and “a secondary resonant mode”) do not refer to structural limitations. Rather, these recitations merely refer to two modes of oscillation of a vibration motor.

Accordingly, Applicant believes that illustration of these claim recitations is not essential for a proper understanding of the claimed subject matter. It is therefore respectfully submitted that the objections to the drawings be withdrawn.

II. Claim Objections

The Examiner has objected to Claim 1 for various informalities. Applicant has amended Claim 1 as suggested by the Examiner. It is therefore respectfully submitted that the objection to Claim 1 be withdrawn.

III. Claims Rejected under 35 U.S.C. §112

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph, for various informalities. These matters are believed to be addressed by the amendment submitted herewith. It is therefore respectfully submitted that the rejection under 35 U.S.C. §112 be withdrawn.

IV. Double Patenting Rejection

Claims 1-2 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-11 of U.S. Patent No. 6,204,590 in view of Kaida (U.S. Patent No. 6,229,246).

The Examiner notes that a terminal disclaimer may be used to overcome the nonstatutory double patenting rejection. In response to the Examiner's suggestion, Applicant hereby submits a terminal disclaimer to overcome the nonstatutory double patenting rejection.

Accordingly, Applicant respectfully requests withdrawal of the nonstatutory double patenting rejection of Claims 1-2.

V. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claims 3-6 contain allowable subject matter.

VI. Election/Restriction (Original Claims 7-15)

Applicant respectfully submits that original Claims 7-15 depend from a generic claim (i.e., Claim 1). Therefore, Applicant respectfully requests

consideration of the original Claims 7-15 upon the allowance of the generic claim (i.e., Claim 1).

CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date. If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a phone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on WEDNESDAY, AUGUST 28, Applicant respectfully petitions Commissioner for a two (2) month extension of time, extending the period for response to TUESDAY, JANUARY 28, 2003. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$410.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
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Dated: January 13, 2003



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, in an envelope, with sufficient postage, addressed to: BOX Fee "Amendments", Commissioner for Patents, Washington, D.C. 20231, on the date shown below.


Linda D'Elia

January 13, 2003

Attachments:

- (1) Version With Markings To Show Changes Made; and**
- (2) Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent**

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

The claims have been amended as follows:

1/ (Amended) A vibration motor comprising at least one stationary part and [one] a moving part driven to move relative to said [fixed] stationary part, together with excitation means suitable for exerting forces that tend to move rigid contact sectors presented by at least one of said [fixed] stationary part [and/or] and said moving part and to cause said rigid sectors to vibrate in vibration modes that combine a tangential vibration and a normal vibration, thereby driving the movement of the moving part, said motor presenting for the tangential vibration or the normal vibration a main resonant mode and at least one secondary resonant mode, wherein the secondary resonant mode is at a frequency that is substantially equal to a harmonic frequency of the main resonant mode.

3/ (Amended) A motor according to claim 1, wherein at least one element having elastic deformation properties is included in at least one of the moving part [and/or] and the stationary part, said element being separated from the contact face of at least one of said moving part [and/or of] and said [fixed] stationary part by a shoe-forming portion, and

wherein [the part(s)] at least one of the moving part and the stationary part in which the elastic deformation elements are included [is/are] is dimensioned in such a manner that the frequency of the secondary tangential resonant mode which is the resonant mode in which the shoe-forming portion and the remainder of the part oscillate in phase opposition, is substantially equal to a frequency which is a harmonic frequency of the main tangential resonant mode, in which the shoe-forming portion and the remainder of the part oscillate in phase.